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OFFICE OF PETITIONS

In re Application of
Kang, et al.
Application No. 10/684,852
Filed: October 14, 2003
Attorney Docket No. 2000-0141Con
For: PSEUDO-CEPSTRAL ADAPTIVE
SHORT-TERM POST-FILTERS FOR
SPEECH CODERS

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: DECISION ON
: PETITION
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This is a decision on the petition under 37 CFR 1.53(e), filed February 5, 2004, requesting that Figures 2 and 3 be accorded a filing date of October 14, 2003.

The application was filed on October 14, 2003. On January 20, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice) informing petitioners that Figures 2 and 3, as described in the specification, appeared to have been omitted.

Petitioners request that Figures 2 and 3 be accorded a filing date of October 14, 2003 on the basis that 9 sheets of formal drawing figures, including Figures 2 and 3, were received in the Patent and Trademark Office (PTO) on October 14, 2003. In support, the instant petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing October 14, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 9 sheets of formal drawings.

The return postcard constitutes *prima facie* evidence that 9 sheets of formal drawing figures were filed on October 14, 2003. MPEP 503. A review of the application file reveals that there are 7 sheets of drawing figures present. The missing sheets of drawings correspond to that which would have contained Figures 2 and 3.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. Pursuant to petitioners' authorization, the petition fee will be credited to deposit account no. 50-2960.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **October 14, 2003**, using the copy of Figures 2 and 3 submitted with the instant petition. Office records will be corrected to show that 9 sheets of drawings were present on initial filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

A handwritten signature in cursive script, reading "E. Shirene Willis". The signature is written in dark ink and is positioned above the printed name and title.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions